

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Tony Hobson,

Plaintiff(s),

vs.

AWP Currier, *et al.*,

Defendant(s).

**2:22-cv-02088-JAD-MDC**

**Order**

Pending before the Court is pro se plaintiff Tony Hobson’s *Motion Identifying Unserved Defendants; Also Requesting Issuance of Summons* (“Motion for Summons”) (ECF No. 19). The Court GRANTS the Motion.

Plaintiff identifies the unserved defendants: Malique Lyons, A. Boone, Harris, Brown, and Senior Harper. ECF No. 19 at 2. The court addresses each defendant in turn.

**Malique Lyons.** Plaintiff notes that defendant Lyons’s last known address has been filed under seal. *Id.* The Court notes that although the Attorney General’s Office has filed a *Notice of Submission* (ECF No. 17) and *Sealed Unredacted Document* (ECF No. 18), the documents are identical and does not actually provide the last known address of defendant Lyons. Therefore, the Court directs the Attorney’s General’s Office to refile the last known address of defendant Lyons, under seal.

**Senior Harper.** Plaintiff notes that the “AG’s Office has not indicated [whether] they have or will accept service for Senior Harper.” ECF No. 19 at 2. The Court agrees. The *Acceptance of Service* (ECF No. 16) does not identify whether service will be accepted for Senior Harper, or whether the Attorney General’s Office will file his last known address under seal. Therefore, the Court will direct the Attorney General’s Office to either file a Notice of Acceptance of Service, or if it cannot accept service on behalf of defendant Harper, to file the last known address of defendant Harper under seal.

**CO Brown.** Plaintiff further identifies defendant Brown as being employed at “SDCC.” *Id.* He notes that “CO Brown” works “Unit 8” or “SNE” “every day.” *Id.* Given the new information provided,

1 the Court directs the Attorney General's Office to either file a Notice of Acceptance of Service, or if it  
2 cannot accept service on behalf of defendant Brown, to file the last known address of defendant Brown  
3 under seal.

4 **CO Harris.** Plaintiff identifies defendant Harris as also being employed at "SDCC." *Id.* He also  
5 notes that "CO Harris" "always works Unit 3 every morning." *Id.* Given the new information provided,  
6 the Court directs the Attorney General's Office to either file a Notice of Acceptance of Service, or if it  
7 cannot accept service on behalf of defendant Harris, to file the last known address of defendant Harris  
8 under seal.

9 **A. Boone.** Plaintiff states that defendant A. Boone either works for "Metro" or "North Town."  
10 *Id.* at 3. Given the new information provided, the Court directs the Attorney General's Office to either  
11 file a Notice of Acceptance of Service, or if it cannot accept service on behalf of defendant Boone, to  
12 file the last known address of defendant Boone under seal.

13 Plaintiff has stated that he is unsure of the first names of "4 of the 5 defendants." The Court,  
14 recognizing the difficulties and obstacles an incarcerated pro se plaintiff faces regarding service, directs  
15 the Office of the Attorney General to investigate the whereabouts of the unserved defendants, using the  
16 new information provided.

17 ACCORDINGLY,

18 IT IS ORDERED that:

- 19 1. The *Motion for Summons* (ECF No. 19) is GRANTED.
  - 20 2. The Office of the Attorney General must refile, **under seal**, the last known address of  
21 defendant Lyons no later than **June 11, 2024**.
  - 22 3. Once the Attorney General's Office files defendant Lyons's address under seal, the Clerk of  
23 Court is directed to reissue summons for defendant Lyons. Defendant Lyons's address must  
24 remain SEALED.
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- Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

1 This circuit has also held that (1) failure to file objections within the specified time and (2)  
2 failure to properly address and brief the objectionable issues waives the right to appeal the District  
3 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d  
4 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).  
5 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any  
6 change of address. The notification must include proof of service upon each opposing party's attorney,  
7 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may  
8 result in dismissal of the action.

9  
10 DATED this 29<sup>th</sup> day of May 2024.

11 IT IS SO ORDERED.

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14 Hon. Maximiliano D. Couvillier III  
15 United States Magistrate Judge  
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